



LOBBYING ORDINANCE REVIEW

ACTIVITIES EXEMPT FROM LOBBYING - OPTIONS FOR DISCUSSION -

EXEMPTION	GENERAL APPLICATION OF EXEMPTION	EXEMPTION IN CURRENT SDMC?	EXEMPTION IN LA, SF, SAC, COUNTY, OR CA?	STAFF RECOMMENDATION
Public officials	Any public official and any government employee acting in official capacity or scope of employment [SD, LA, SF, SAC, COUNTY, CA]	Yes. (§27.4004(a))	LA, SF, SAC, COUNTY, CA	Maintain current exemption
Media	Any news story, editorial, or advertising by a newspaper, periodical, radio station or tv station ([SD, LA, SF, SAC, CA] Exemption does not apply to other attempts to influence [SD, LA, CA] Exemption only for “ordinary course of news gathering or editorial activity” [SAC]	Yes. (§27.4004(b))	LA, SF, SAC, CA	Maintain current exemption
Submitting competitive bid	Submission of a bid on a competitively bid contract [SD, LA, SF, SAC] Except for 501(c)(3) organizations, exemption does not apply to person attempting to influence Mayor, City Council, their staffs, or board or commission member [LA] Limited to direct communications with official or department specifically designated to receive information [SF, SAC]	Yes. (§27.4004(c)(1))	LA, SF, SAC	Maintain current exemption; narrow scope to eliminate City Council & staff from exemption
Response to RFP or RFQ	Submitting a written response to a request for proposal or a request for qualification [SD, LA, SF, SAC] Except for 501(c)(3) organizations, exemption does not apply to person attempting to influence Mayor, City Council, their staffs, or board or commission member [LA] Limited to direct communications with official or department specifically designated to receive information [SF, SAC]	Yes. (§27.4004(c)(2))	LA, SF, SAC	Maintain current exemption; narrow scope to eliminate City Council & staff from exemption

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Interview for RFP or RFQ	Participating in an oral interview for a request for proposal or a request for qualification [SD, LA, SF, SAC] Except for 501(c)(3) organizations, exemption does not apply to person attempting to influence Mayor, City Council, their staffs, or board or commission member [LA] Limited to direct communications with official or department specifically designated to receive information [SF, SAC]	Yes. (§27.4004(c)(3))	LA, SF, SAC	Maintain current exemption; narrow scope to eliminate City Council & staff from exemption
Negotiating contract after being selected	Negotiating the terms of a contract already authorized by the City [SD, LA] Except for 501(c)(3) organizations, exemption does not apply to person attempting to influence Mayor, City Council, their staffs, or board or commission member [LA] Only for administration of existing contract [SF]	Yes. (§27.4004(c)(4))	LA, SF	Maintain current exemption; narrow scope to eliminate City Council & staff from exemption
Complying with contract after execution	A person communicating in connection with the administration of an existing contract between the person and the city [SF]	No provision (except for collective bargaining agreements)	SF	Add exemption
Making request for advice or information	Requesting advice or information from the City regarding laws, regulations, approvals, or policies [SD, LA, SF] Request must not include any attempt to influence [SF]	Yes. (def. of “municipal decision” §27.4002)	LA, SF	Maintain current exemption
Submitting petition for legislative or administrative action	Submission of a written petition for local legislative or administrative actions, provided that the petition is a public record (SF)	No express exemption, but could fall within exclusion for “direct communication” (§27.4002)	SF	No need for exemption. Activity already covered by existing definitions and provisions. See e.g., public hearing exception for documents.
Attorneys involved in litigation	Communications between attorneys pertaining to pending or actual litigation involving the City or City agent, officer, or employee [SD] Performing duty that can be performed only by an attorney licensed in California [SF, COUNTY]	Yes. (def. of “municipal decision” §27.4002)	SF, COUNTY	Maintain current exemption (no special exemption for attorneys except in litigation context)
Ministerial actions	Ministerial actions, such as “Process 1” decisions on private land development (staff approves or denies, with no appeal process) [SD] Actions that do not require official or employee to exercise discretion concerning outcome or course of action [LA] administrative actions in a purely clerical, secretarial or ministerial capacity [CA]	Yes. (def. of “municipal decision” §27.4002)	LA, CA	Maintain current exemption (bolster exemption with language from LA & CA)

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Establishing or administering CBA or MOU with union	Actions relating to the establishment, amendment, administration, implementation, or interpretation of a collective bargaining agreement or memorandum of understanding between the City and an employee organization; any proceeding before the Civil Service Commission [SD, LA, SAC] Exemption does not apply to collective bargaining actions of the Mayor, City Council, or their staffs [LA] Anyone acting pursuant to Meyers-Milias-Brown Act [COUNTY]	Yes. (def. of “municipal decision” §27.4002(d))	LA, SAC, COUNTY	Maintain current exemption; narrow scope to eliminate City Council & staff from exemption; clarify in drafting that exemption is limited to actions reasonably or directly related to MOU
Management decisions relating to working conditions under CBA or MOU	Management decisions as to the working conditions of represented employees that clearly relate to the terms of a collective bargaining agreement or memorandum of understanding between City and employee organization; any proceeding before the Civil Service Commission [SD, LA, SAC] Exemption does not apply to collective bargaining actions of the Mayor, City Council, or their staffs [LA] Anyone acting pursuant to Meyers-Milias-Brown Act [COUNTY]	Yes. (def. of “municipal decision” §27.4002(e))	LA, SAC, COUNTY	Maintain current exemption; narrow scope to eliminate City Council & staff from exemption
Appearing at public meeting	Appearing as a speaker at, or providing written statements that become part of the record of a public hearing [SD, SF] Only persons qualified as lobbyists must disclose the appearance as lobbying activity [SAC] Exemption extends to contacts limited to written communications [COUNTY] Administrative testimony (open hearing of regulatory or administrative agency where record is open to public, or communication is made at public forum or workshop) [CA]	Yes. (def. of “direct communication §27.4002)	SF, SAC, COUNTY, CA	Maintain current exemption
Responding to City enforcement action	Direct response to an enforcement proceeding initiated by the City [SD] Enforcement actions initiated by by L.A. Ethics Commission [LA] Administrative testimony (open hearing of regulatory or administrative agency where record is open to public) [CA]	Yes. (def. of “direct communication §27.4002)	LA, CA	Maintain current exemption
Compensation based only on reimbursement of meals, travel	Removes from calculation of “compensation” any reimbursement for transportation and related food and lodging [SD, LA, SAC, CA]	Yes. (def. of “compensation §27.4002)	LA, SAC, CA	Maintain current exemption
Matters relating to Civil Service Board/Commission	Proceedings before the Civil Service Commission [SD, LA, SAC]	Yes. (def. of “municipal decision § 27.4002)	LA, SAC	Maintain current exemption

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Responding to subpoena or official request	Responding to questions from City Officials; direct response to City enforcement proceeding [SD,] Only if response is a public record available for review [SF, SAC] Includes information sought by subpoena or compelled by law or regulation [SF, SAC] Appearing as a witness before, talking to, corresponding with, or answering questions or inquiries from, any qualifying official [CA]	Yes. (def. of “direct communication §27.4002)	SF, SAC, CA	Maintain current exemption (bolster exemption with language from SF & SAC)
Employees of a 501(c)(3) organization providing services to the indigent	501(c)(3) organizations that receive funding from government agencies for purpose of representing interests of the indigent; only applies to direct contacts with City officials at a publicly noticed meeting [LA]	No provision.	LA	Do not adopt; L.A. model not applicable if San Diego maintains exemption for speaking at public meetings.
Making a speech on radio/tv	Making a speech or producing material that is distributed and made available to the public through radio, television, or other mass medium. [SF]	No provision.	SF	Do not adopt; clarify that electronic communications are limited to emails and faxes, and do not include communicating through the mass media
Making appearance before City officer regarding improvement district assessment	Appearing before City pursuant to any law levying an assessment against real property for construction or maintenance of an improvement [SF]	No provision.	SF	Do not adopt; expand language re: City enforcement proceedings to include assessment appeals
Expert employed by lobbyist to give info to City	Expert employed by lobbyist to provide information to City officer [SF] Person brought by lobbyist to provide technical or other information [COUNTY] provision of purely technical data or analysis to an administrative agency by a person who does not otherwise engage in direct communication for the purpose of influencing legislative or administrative action [CA]	No provision	SF, COUNTY, CA	Consider limited exemption for purely technical data as well as exemption for architects, engineers, and geologists working solely in professional capacity
Church or religious society to protect right to practice religion	Person representing a bona fide church or religious society solely for the purpose of protecting the public right to practice the doctrines of such church [CA]	No provision	CA	Do not adopt; no indication that exemption is necessary